

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BALTAZAR P. LUNA,
Petitioner,

No. C 09-00474 SBA (PR)

v.

**ORDER REGARDING IN FORMA
PAUPERIS MOTION**

BEN CURRY, Warden,
Respondent.

Petitioner has filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner filed an in forma pauperis (hereinafter "IFP") application; however, he did not file copies of the Certificate of Funds and prisoner trust account statement.

The Court cannot conduct an initial review of this matter until Petitioner has either paid the filing fee or filed a completed IFP application with the requisite documents. See 28 U.S.C. § 1915(a) (a party is permitted to file a civil action in federal court without prepayment of fees or security if he makes an affidavit that he is unable to pay such fees or give security therefor).

Accordingly, Petitioner shall pay the requisite \$5.00 filing fee in this action no later than **thirty (30) days** from the date of this Order. He shall include with his payment a clear indication that it is for the above-referenced case number, C 09-00474 SBA (PR). In the event that Petitioner is unable to pay the filing fee, he shall submit the trust account statement and certificate of funds no later than **thirty (30) days** from the date of this Order. Failure to pay the filing fee or file the requisite documents within the thirty-day deadline shall result in dismissal of this action.

IT IS SO ORDERED.

DATED: 4/22/09


SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
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5

6 BALTAZAR P. LUNA,
7 Plaintiff,

Case Number: CV09-00474 SBA

CERTIFICATE OF SERVICE

8 v.

9 BEN CURRY et al,

10 Defendant.
11 _____/

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
13 Court, Northern District of California.

14 That on April 27, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
16 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
17 located in the Clerk's office.

18 Baltazar P. Luna D-32948
19 Correctional Training Facility
P.O. Box 689
Soledad, CA 93960

20 Dated: April 27, 2009

21 Richard W. Wieking, Clerk
By: LISA R CLARK, Deputy Clerk
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